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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN GARRISON CLAYTON,

Defendant.

No. 07-70462

WDB

NOTICE PURSUANT TO  
FED. R. CRIM. P. 5

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on August 2, 2007, the above-named defendant was arrested based upon an arrest warrant (copy attached) issued upon an

- ☐ Indictment  
☐ Information  
☒ Criminal Complaint  
☐ Other (describe) \_\_\_\_\_

pending in the Western District of Texas, Case Number EP:07-M-2661 MC.

In that case, the defendant is charged with a violation of Title 18, United States Code, Section 2119, Unlawful Taking of Motor Vehicles/"Carjacking."

1 Description of Charges: On May 14, 2007, the defendant and another individual displayed  
2 a handgun and demanded the female victim's car keys at which time the victim provided the keys  
3 to the carjackers. One of the defendant's ordered the victim to walk away and in the process of  
4 fleeing the victim injured her leg.

5 PENALTY:

6 COUNT ONE: 18 U.S.C. § 2119 – Unlawful Taking of Motor Vehicles/"Carjacking.":

7 1) 15 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special  
8 assessment;

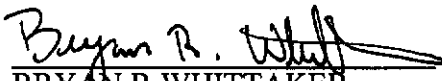
9 2) if serious bodily injury – 25 years imprisonment; \$250,000 fine; 5 years supervised  
10 release; \$100 special assessment;

11 3) if death results – life imprisonment or sentenced to death; \$250,000 fine; 5 years  
12 supervised release; \$100 special assessment;

13  
14  
15 Date: August 3, 2007

16 Respectfully Submitted,

17  
18 SCOTT N. SCHOOLS  
19 UNITED STATES ATTORNEY

20   
21 BRYAN R WHITTAKER  
22 Special Assistant U.S. Attorney  
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AO 442 (Rev. 12/85) Warrant for Arrest

United States District Court **FILED**

WESTERN

DISTRICT OF

TEXAS

JUN 04 2007

UNITED STATES OF AMERICA

V.

BENJAMIN GARRISON CLAYTON

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY mt  
DEPUTY CLERK

## WARRANT FOR ARREST

CASE NUMBER: EP:07-M-2661MC

To: The United States Marshal  
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest BENJAMIN GARRISON CLAYTON  
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (enter description of offense)

Carjacking

in violation of Title 18 United States Code, Section(s) 2119

Michael McDonald

Name of Issuing Officer

U.S. MAGISTRATE JUDGE

Title of Issuing Officer

Signature of Issuing Officer

June 4, 2007 El Paso, Texas  
Date and Location

Bail fixed at \$

by

Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

AO 91 (Rev. 5/85) Criminal Complaint

## United States District Court

FILED

Western DISTRICT OF Texas

JUN 04 2007

UNITED STATES OF AMERICA

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY 207 DEPUTY CLERK

v.

CRIMINAL COMPLAINT

BENJAMIN GARRISON CLAYTON

CASE NUMBER: EP:07-M-2661 MC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 14, 2007 in El Paso county, in the Western District of Texas defendant did, (Track Statutory Language of Offense)

with the intent to cause death or serious bodily harm take a motor vehicle, to wit, a 1999 Pontiac Grand Am GT 2, bearing Texas License Plate 191-PCC, which has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation.

in violation of Title 18 United States Code, Section(s) 2119

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:  
Official Title

See attached affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Signature of Complainant

Craig E. Greene

Special Agent

Federal Bureau of Investigation

June 4, 2007

at

El Paso, Texas

City and State

Michael McDonald, U.S. Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

### PROBABLE CAUSE STATEMENT

1. I, Craig E. Greene, hereinafter referred to as the Complainant, am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and assigned to investigate violations of Federal Criminal Law, to include Title 18 United States Code, Section 2119, Carjacking.
2. The information contained herein is based upon interviews conducted by El Paso Police Department (EPPD) Detectives and latent fingerprint examinations conducted by the EPPD.
3. On May 14, 2007, at approximately 11:15 p.m., two unknown males approached a female as she was parking her vehicle, a 1999 Pontiac Grand Am, bearing Texas License Plate 191-PCC, at 1431 Miracle Way, El Paso, Texas. One of the unknown males displayed a handgun and demanded the female victim's car keys at which time the victim complied and provided the car keys to the carjackers. One of the unknown males then ordered the victim to turn around and walk away. The victim proceeded to flee the scene at which time she injured her leg. The female victim with assistance from an apartment complex resident in the area called 911 for the police. The female victim was subsequently treated at Del Sol Hospital for the injury to her leg.
4. On May 25, 2007, EPPD recovered the stolen Pontiac Grand Am in the vicinity of 11355 Montwood, El Paso, Texas. The vehicle was taken to a police garage/processing bay where the vehicle was processed for evidence. The process revealed six latent prints taken from the vehicle. On May 25, 2007, the latent prints were submitted to EPPD Latent Fingerprint Examiner, Bruce Orndorf, a thirty-six year EPPD employee who has served twenty-six years in the EPPD Latent Print Section. Orndorf determined that two of the six latent prints revealed latent fingerprints of evidentiary value. The two latent fingerprints of evidentiary value were entered into the Automated Fingerprint Identification System (AFIS) for a search of possible fingerprint matches. Orndorf compared the two latent fingerprints with possible matches from the AFIS search and positively identified both of the latent fingerprints lifts from the vehicle as belonging to Benjamin Garrison Clayton, EPPD# 368251.
5. An interview with the female victim revealed that she had no contact with a Benjamin Clayton and there would be no reason for Clayton to be in or around her vehicle. The stolen Pontiac Grand Am was transported in interstate and foreign commerce on October 28, 2006 as identified by a vehicle license plate crossing match into the United States from Mexico. The stolen Pontiac Grand Am was manufactured at a plant in Lansing, Michigan and originally shipped to Jim Schafer Motors, Sebawaing, Michigan. The stolen Pontiac Grand Am was issued title in Texas on September 5, 2006

6. Based upon the above information, the Complainant has probable cause to believe that on May 14, 2007, Benjamin Garrison Clayton, did, with the intent to cause death or serious bodily harm take a motor vehicle, to wit, a 1999 Pontiac Grand Am GT 2, bearing Texas License Plate 191-PCC, which has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation in violation of Title 18, United States Code, Section 2119, Carjacking.